

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

<b>INACOM CORP., et al.</b>  <b>Plaintiffs</b>  <b>v.</b>  <b>TECH DATA CORP.</b>  <b>Defendant</b>	<b>Civil Action No. 04-CV-148 (GMS)</b>
<b>INACOM CORP., et al.</b>  <b>Plaintiffs</b>  <b>v.</b>  <b>DELL COMPUTER CORP.</b>  <b>Defendant</b>  <b>INACOM CORP., et al.</b>  <b>Plaintiffs</b>  <b>v.</b>  <b>LEXMARK INTERNATIONAL, INC.</b>  <b>Defendant</b>	<b>Civil Action No. 04-CV-582 (GMS)</b>  <b>Civil Action No. 04-CV-583 (GMS)</b>
<b>INACOM CORP., et al.</b>  <b>Plaintiffs</b>  <b>v.</b>  <b>INGRAM ENTERTAINMENT INC.</b>  <b>Defendant</b>	<b>Civil Action No. 04-CV-593 (GMS)</b>

ORDER GRANTING DEFENDANTS' MOTION TO  
EXCLUDE THE EXPERT TESTIMONY AND REPORT OF DEAN VOMERO

Upon the application of Defendants Tech Data Corp. ("Tech Data"), Dell Computer Corp. ("Dell"), Lexmark International, Inc. ("Lexmark") and Ingram Entertainment Inc. ("Ingram") (collectively "Defendants") to exclude the expert testimony and report of Dean Vomero and the Court being duly and sufficiently advised,

IT IS ORDERED that the expert testimony and report of Dean Vomero is excluded from and will not be admitted at trial because they are not sufficiently reliable and relevant to satisfy the standards of Federal Rule of Evidence 702, *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 509 U.S. 579 (1993), as made applicable to non-scientific expert testimony by *Kumho Tire Company v. Carmichael*, 526 U.S. 137 (1999).

Dated: \_\_\_\_\_, 2005.

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Gregory M. Sleet, Judge  
United States District Court  
District of Delaware